

EXHIBIT F

Excerpts from Deposition of Scott Warren

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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 FOR THE DISTRICT OF NEVADA</p> <p>3</p> <p>4 PETER DELVECCHIA, et al.,</p> <p>5 Plaintiffs,</p> <p>6 vs. CASE NO. 2:19-CV-01322-KJD-NJK</p> <p>7 FRONTIER AIRLINES, INC., et al.,</p> <p>8 Defendants.</p> <p>9 -----</p> <p>10 DEPOSITION OF</p> <p>11 SCOTT ALEXANDER WARREN</p> <p>12 December 13, 2019</p> <p>13 10:09 a.m.</p> <p>14 9950 West Cheyenne Avenue</p> <p>15 Las Vegas, Nevada</p> <p>16</p> <p>17 Gary F. Decoster, CCR No. 790</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 WITNESS: SCOTT ALEXANDER WARREN</p> <p>4</p> <p>5 EXAMINATION PAGE</p> <p>6 By Mr. McKay 5</p> <p>7 By Mr. Maye --</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 INDEX TO EXHIBITS</p> <p>16 Initial</p> <p>17 Plaintiffs' Description Reference</p> <p>18 Exhibit 1 Plaintiffs' Notice of Deposition 9</p> <p>19 of Scott Warren</p> <p>20 Exhibit 2 Employee performance record 90</p> <p>21 Exhibit 3 Employee training record 98</p> <p>22 Exhibit 4 LVMPD Voluntary Statement 99</p> <p>23 Exhibit 5 E-mail to Jason B. Grimes from 120</p> <p>24 Scott Warren dated April 17, 2019</p> <p>25</p>
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<p>1 APPEARANCES OF COUNSEL</p> <p>2</p> <p>3 For the Plaintiffs:</p> <p>4 PARK AVENUE LAW LLC</p> <p>5 JOHN D. MCKAY, ESQ.</p> <p>6 127 West Fairbanks Avenue</p> <p>7 Suite 519</p> <p>8 Winter Park, Florida 32789</p> <p>9 800.391.3654</p> <p>10 johndmckayatty@gmail.com</p> <p>11</p> <p>12 For the Defendants:</p> <p>13 ADLER MURPHY & McQUILLEN LLP</p> <p>14 BRIAN T. MAYE, ESQ.</p> <p>15 20 South Clark Street</p> <p>16 Suite 2500</p> <p>17 Chicago, Illinois 60603</p> <p>18 312.345.0700</p> <p>19 312.345.9860 Fax</p> <p>20 bmaye@amm-law.com</p> <p>21</p> <p>22 Also Present: PETER DELVECCHIA</p> <p>23 MONICA HAYWORTH, VIDEOGRAPHER</p> <p>24</p> <p>25</p>	<p>1 Video Deposition of Scott Alexander Warren</p> <p>2 December 13, 2019</p> <p>3 (Exhibits 1 through 5 marked.)</p> <p>4 * * *</p> <p>5 THE VIDEOGRAPHER: This is Media No. 1 to the</p> <p>6 video recorded deposition of Scott Warren in the</p> <p>7 matter of Peter Delvecchia, et al., versus Frontier</p> <p>8 Airlines, Incorporated, et al., being heard before the</p> <p>9 United States District Court for the District of</p> <p>10 Nevada, Case No. 2:19-CV-01322-KJD-NJK.</p> <p>11 This deposition is being held at Titolo Law</p> <p>12 Office, 9950 West Cheyenne Avenue, Las Vegas, Nevada,</p> <p>13 starting at 10:09 a.m.</p> <p>14 My name is Monica Hayworth, and I'm the</p> <p>15 videographer. The court reporter is Gary Decoster</p> <p>16 with Esquire Deposition Solutions.</p> <p>17 Counsel, will you please introduce</p> <p>18 yourselves, and affiliations, and the witness will</p> <p>19 then be sworn.</p> <p>20 MR. MCKAY: My name is John McKay. I am the</p> <p>21 counsel for the plaintiffs, Peter Delvecchia and A.D.</p> <p>22 MR. MAYE: Brian Maye for Frontier Airlines.</p> <p>23 THE VIDEOGRAPHER: Thank you.</p> <p>24 THE COURT REPORTER: Sir, would you raise</p> <p>25 your right hand?</p>

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<p style="text-align: right;">Page 57</p> <p>1 Q. Yes.</p> <p>2 A. So they would have come and got their carts</p> <p>3 and took it back up front, the A and C, they came back</p> <p>4 and got the cart, and then they do rows in front of</p> <p>5 Row 12, do those ones, that was their half.</p> <p>6 Q. Yes.</p> <p>7 A. And then me and the D did our half of the</p> <p>8 plane.</p> <p>9 Q. Okay. And that happens at a particular</p> <p>10 point, does it, after takeoff?</p> <p>11 A. Shortly after takeoff, after -- usually about</p> <p>12 20 minutes, 25 minutes after takeoff.</p> <p>13 Q. Okay. Is that typically after the flight</p> <p>14 levels out at its cruise altitude?</p> <p>15 A. It's before that. It's usually -- yes, it's</p> <p>16 before we reach our cruising altitude.</p> <p>17 Q. Okay. And if I understand correctly from the</p> <p>18 other flight attendants, everything that's on the cart</p> <p>19 other than water is for sale; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So they came and they got their carts</p> <p>22 and you and the D got your carts, and so I presume</p> <p>23 then service started?</p> <p>24 A. Yes.</p> <p>25 Q. And there's alcoholic beverages being sold,</p>	<p style="text-align: right;">Page 59</p> <p>1 A. And I don't recall exactly what happened</p> <p>2 next, but I remember the ladies up front saying they</p> <p>3 saw Mr. Delvecchia here rubbing his son's face, they</p> <p>4 said, in a weird manner. I didn't see that. And by</p> <p>5 then I believe the captain had already been alerted,</p> <p>6 so I went into the flight deck to speak with him and</p> <p>7 he asked, Scott, could you go take a look at it.</p> <p>8 Q. Okay. So let me just back up a bit and slow</p> <p>9 that down a little bit. After the service, how did</p> <p>10 the other flight attendants convey to you the -- what</p> <p>11 they had said about touching the face? Was that done</p> <p>12 on the intercom or in person?</p> <p>13 A. In person.</p> <p>14 Q. Okay. And was it done back in your area at</p> <p>15 the aft galley or was it done up in the front of the</p> <p>16 plane?</p> <p>17 A. In the forward galley.</p> <p>18 Q. Okay. So why were you up there?</p> <p>19 A. I don't know the reason why I went up there,</p> <p>20 I may have been going to do trash, but I'm not stuck</p> <p>21 in the back. I can move around the plane.</p> <p>22 Q. Okay. All right, so while you were up front</p> <p>23 for whatever reason, they said that something had</p> <p>24 occurred -- again, I'm sorry, what had occurred with</p> <p>25 respect to the face?</p>
<p style="text-align: right;">Page 58</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And a flight out to Las Vegas, is</p> <p>4 there typically a good bit of purchasing of alcoholic</p> <p>5 beverages?</p> <p>6 A. Not necessarily.</p> <p>7 Q. How about on this flight?</p> <p>8 A. The average amount.</p> <p>9 Q. Okay, and what's that?</p> <p>10 A. A few people were drinking, maybe about ten</p> <p>11 people I saw with drinks, just an estimation.</p> <p>12 Q. Okay. And did you happen to make any</p> <p>13 observations then about Peter and his son during the</p> <p>14 service?</p> <p>15 A. No.</p> <p>16 Q. Okay. When was the next time that you heard</p> <p>17 or saw anything concerning Peter and his son?</p> <p>18 A. After service and we took the carts to the</p> <p>19 back and they took their cart all the way up front, I</p> <p>20 remember going to the front of the -- the front</p> <p>21 galley -- excuse me -- excuse me.</p> <p>22 Q. We've actually been going about an hour. Do</p> <p>23 you want to take a break?</p> <p>24 A. Nope.</p> <p>25 Q. No, okay.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. They said Mr. Delvecchia was rubbing the</p> <p>2 child's face, his son's face, in a weird,</p> <p>3 inappropriate manner.</p> <p>4 Q. Okay. When you say they, which people were</p> <p>5 that?</p> <p>6 A. It was either the A or the C. I don't</p> <p>7 recall.</p> <p>8 Q. So just one person said that?</p> <p>9 A. Two of them agreed on it. It may have been</p> <p>10 the D as well because she would have been the one that</p> <p>11 serviced that row. I don't remember exactly who said</p> <p>12 it.</p> <p>13 Q. Okay.</p> <p>14 A. But two of them -- at least two of them</p> <p>15 noticed it.</p> <p>16 Q. Okay. And did they use any words different</p> <p>17 than what you've used?</p> <p>18 A. Those were the words I remember hearing.</p> <p>19 Q. Okay, rubbing and inappropriate?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. All right, and I think you said by the</p> <p>22 time you heard it, it had already been conveyed to the</p> <p>23 captain?</p> <p>24 A. I remember going into the flight deck, so</p> <p>25 yes, the captain would have known by then.</p>

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<p style="text-align: right;">Page 61</p> <p>1 Q. And who was on the flight deck when you went 2 there? 3 A. That would have been Captain Rex and the 4 first officer. 5 Q. And just the three of you in the cockpit 6 then? 7 A. I'm not sure if one of the other ladies came 8 in or not. I don't recall. 9 Q. Okay. So is it your recollection that 10 somebody summoned you to go speak with them on the 11 flight deck? 12 A. Somebody did, yeah. I'm not sure who. 13 Q. Okay. So you went there because a request 14 had been made that you go talk to them? 15 A. Yes. 16 Q. Okay. And who was it that did the talking 17 once you got there? 18 A. It was the captain. 19 Q. Okay. Do you recall which of the two were 20 actually designated to fly the plane, pilot flying? 21 A. I don't know. 22 Q. Okay. So did the captain turn around in his 23 seat and speak with you or -- 24 A. He turned sideways, yes. 25 Q. Okay. And what did the captain say to you?</p>	<p style="text-align: right;">Page 63</p> <p>1 A. I don't remember what the guy on the aisle 2 seat was doing at the time. 3 Q. Okay, you said the guy? 4 A. It was a man, yes. 5 Q. Okay. 6 A. A guy, yeah. 7 Q. All right. And was there -- was this -- 8 everything was standard otherwise as far as this 9 particular point in the flight, I mean, the lighting 10 and all that sort of thing? 11 A. Yes. 12 Q. Okay. And so were you carrying a trash bag? 13 A. I don't remember. 14 Q. Okay. But you remember that you were walking 15 from the front to the back when you made this 16 observation? 17 A. Yes. 18 Q. Okay. And you could tell that Peter was 19 asleep? 20 A. He appeared to be asleep. 21 Q. And you could tell that A.D. was asleep? 22 A. Appeared to be asleep, yes. 23 Q. Okay. And describe for me what you saw with 24 respect to Peter's hand. 25 A. His right hand was on the boy's crotch -- the</p>
<p style="text-align: right;">Page 62</p> <p>1 A. I don't remember word for word what he said, 2 but he wanted me to go have a look. 3 Q. Okay. Did he mention anything about the 4 flight operations manual that they had been looking 5 at? 6 A. No. 7 Q. Okay. Are you sure he hadn't said anything 8 about that? 9 A. I don't recall if he did. 10 Q. Okay. All right, and so he asked you to go 11 take a look, and what did you do then? 12 A. That's when I went -- I was in the front of 13 the plane and I walked to the back of the plane 14 looking at Mr. Delvecchia and his son as I walked by 15 Row 17 and that's when I noted that his hand was on 16 the child's crotch and they appeared to be sleeping. 17 Q. Okay, so just so I understand, both the 18 father and the son appeared to be sleeping? 19 A. Yes. 20 Q. And the son was in the window seat? 21 A. Yes. 22 Q. And the father was in the middle seat? 23 A. Yes. 24 Q. And what did you observe about the person in 25 the aisle seat?</p>	<p style="text-align: right;">Page 64</p> <p>1 child, sorry -- like down on the front, to show you, 2 he can't write it, but -- 3 Q. Yeah, you can observe -- I mean, you can 4 demonstrate for the TV, if you could. 5 A. Yeah, I mean, his right hand was like here on 6 the child. 7 Q. Actually grabbing like that? 8 A. Yes, the fingers were down in there and 9 everything. 10 Q. Yeah. 11 A. Um-hum. 12 Q. Okay. And you say it was the right hand. 13 Now, which side of the plane were they on? 14 A. If you're facing forward towards the cockpit, 15 they would have been on the right-hand side, D-E-F. 16 Q. Okay, they were on the right-hand side, so 17 that means that Peter's hand, his right hand, would 18 have crossed in front of his own body to get there? 19 A. No, he's in E, the child is in F, so his 20 right hand would have been here. 21 Q. Okay. All right. And what was the child 22 wearing? 23 A. He had on a T-shirt and jeans -- T-shirt and 24 jeans on, from what I recall. 25 Q. Okay. Jeans as in long pants?</p>

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<p style="text-align: right;">Page 65</p> <p>1 A. Yeah.</p> <p>2 Q. Okay. Blue jeans?</p> <p>3 A. I don't remember the color of them.</p> <p>4 Q. Okay. Why do you think they were jeans?</p> <p>5 A. They may not have been jeans. He had pants</p> <p>6 and a T-shirt on.</p> <p>7 Q. Pants and a T-shirt?</p> <p>8 A. Yes.</p> <p>9 Q. Nothing else?</p> <p>10 A. That's all I saw.</p> <p>11 Q. Okay. So you could actually see the hand in</p> <p>12 between the two legs?</p> <p>13 A. Yes.</p> <p>14 Q. And as you said, you saw the thumb across one</p> <p>15 of the legs and the fingers down inside the space</p> <p>16 between the two legs?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And what was Peter wearing?</p> <p>19 A. I don't recall.</p> <p>20 Q. Nothing at all that you recall?</p> <p>21 A. No.</p> <p>22 Q. Okay. All right. You don't remember the</p> <p>23 color of A.D.'s pants. Do you remember the color of</p> <p>24 the shirt he was wearing?</p> <p>25 A. I don't remember the color of his shirt.</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Yes.</p> <p>2 Q. And you would be looking to your left?</p> <p>3 A. No.</p> <p>4 Q. You're looking to your right?</p> <p>5 A. Yes.</p> <p>6 Q. Because they were, what seats again, 17 --</p> <p>7 A. E and F.</p> <p>8 Q. E and F?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. So you were looking to your right and</p> <p>11 Peter was in the middle seat, correct?</p> <p>12 A. Yes, yes.</p> <p>13 Q. And A.D. was in the window seat?</p> <p>14 A. Yes.</p> <p>15 Q. F. And Peter's right hand was still between</p> <p>16 the child's legs?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. In the area of his crotch?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And they still appeared to be asleep?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. All right. And what did you do after</p> <p>23 making that observation?</p> <p>24 A. I continued on to the front and went in the</p> <p>25 cockpit and told the captain what I saw.</p>
<p style="text-align: right;">Page 66</p> <p>1 Q. Okay. Now, Peter's arm that you observed,</p> <p>2 was Peter wearing a long-sleeve shirt or a</p> <p>3 short-sleeve shirt?</p> <p>4 A. I don't remember.</p> <p>5 Q. Well, did you see the skin of his arm up to</p> <p>6 his elbow?</p> <p>7 A. I don't remember.</p> <p>8 Q. Don't remember, okay. All right. And how</p> <p>9 long did you observe the hand as you were walking by?</p> <p>10 A. It couldn't have been more than five seconds</p> <p>11 as I walked by.</p> <p>12 Q. Okay. You were -- did you stop walking at</p> <p>13 any point or were you walking continuously?</p> <p>14 A. I was walking continuously.</p> <p>15 Q. Okay. Was the, was the shade down on the</p> <p>16 window adjacent to A.D.?</p> <p>17 A. I don't remember if the shade was up or down.</p> <p>18 Q. Okay. And so you walked to the aft galley</p> <p>19 and then what did you do?</p> <p>20 A. I stood there for a few seconds, then I</p> <p>21 walked back up to the front again to make sure that I</p> <p>22 saw what I saw, and when I walked by again, his hand</p> <p>23 was in the same place.</p> <p>24 Q. Okay. And as you walked back up then, you</p> <p>25 would be facing the nose of the aircraft?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Okay. How did you -- I mean, was the door to</p> <p>2 the cockpit open at that point or did you have to call</p> <p>3 to ask to be allowed onto the cockpit?</p> <p>4 A. I knocked to get in.</p> <p>5 Q. You knocked?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay. At this point had the barrier been</p> <p>8 removed from the aisle?</p> <p>9 A. The barrier?</p> <p>10 Q. Well, let me back up.</p> <p>11 At the time that you went to the cockpit the</p> <p>12 first time, was -- had the flight attendants set up</p> <p>13 for the pilots to take a lavatory break?</p> <p>14 A. Yes, whenever we open the cockpit door, we</p> <p>15 put the cart in front of the aisle.</p> <p>16 Q. Okay. My question is, was it already</p> <p>17 established there when you went down to the front to</p> <p>18 go into the cockpit the first time or did they set it</p> <p>19 up so that you could go into the cockpit?</p> <p>20 A. I do not remember.</p> <p>21 Q. Okay. And now you've walked to the back and</p> <p>22 then to the front again. At this point is the cart</p> <p>23 set up across the aisle or is it gone?</p> <p>24 A. I don't remember if they left it set up or</p> <p>25 not.</p>